



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL, FFL

Introduction

This hearing was scheduled to convene at 11:00 a.m. on October 5, 2023 concerning an application made by the landlord seeking an order of possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenants for the cost of the application.

The landlord was represented at the hearing by an agent, who gave affirmed testimony and provided evidentiary material in advance of the hearing. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenants joined the call.

The landlord's agent submitted that the tenants were individually served with the Notice of Dispute Resolution Proceeding and all evidence by registered mail on July 27, 2023 and has provided copies of 2 Canada Post Registered Domestic Customer Receipts and Canada Post cash register receipts bearing that date. I am satisfied that both tenants have been served in accordance with the *Residential Tenancy Act*.

All evidence of the landlord has been reviewed and is considered in this Decision.

At the commencement of the hearing the landlord's agent indicated that the tenants vacated the rental unit on August 1, 2023 and withdraws the application for an order of possession.

Issue(s) to be Decided

The issue remaining to be decided is: has the landlord established a monetary claim as against the tenants for unpaid rent?

Background and Evidence

The landlord's agent testified that this month-to-month tenancy began on March 1, 2023. Rent in the amount of \$3,000.00 was payable on the 1st day of each month. The landlord did not collect a security deposit or a pet damage deposit from the tenants. The rental unit is the upper portion of a house, and the lower level is also occupied, but not by the landlord. A copy of the tenancy agreement has been provided for this hearing.

The landlord's agent further testified that the tenants failed to pay rent in full in any month during the tenancy. The tenants paid \$2,200.00 for March, 2023; \$2,000.00 on April 1, 2023; \$1,000.00 on May 1, 2023; \$1,400.00 on June 1, 2023 and no rent has been paid for July, 2023. The landlord claims the unpaid rent for those months totaling \$8,400.00 and recovery of the \$100.00 filing fee.

The landlord served the tenants individually with a 10 Day Notice to End Tenancy For Unpaid Rent or Utilities, and a copy has been provided for this hearing. It is dated July 11, 2023 and contains an effective date of vacancy of July 22, 2023 for unpaid rent in the amount of \$8,400.00 that was due on July 1, 2023. A tenant ledger has also been provided for this hearing. The tenants vacated the rental unit on August 1, 2023, and the landlord has possession. The tenants have not provided a forwarding address to the landlord, and has not served the landlord with a Notice of Dispute Resolution Proceeding disputing the Notice to end the tenancy.

Analysis

I have reviewed all of the landlord's evidentiary material, including the tenant ledger. Considering the evidence and the testimony of the landlord's agent, I accept the undisputed testimony that the tenants failed to pay the full amount of rent for any of the months during the tenancy. I am satisfied that the landlord is entitled to recover \$8,400.00 for unpaid rent from the tenants.

Since the landlord has been successful with the application, the landlord is also entitled to recover the \$100.00 filing fee from the tenants.

I grant a monetary order in favour of the landlord as against the tenants in the amount of \$8,500.00. The tenants must be served with the order, which may be filed in the

Provincial Court of British Columbia, Small Claims division and enforced as an order of that Court.

Conclusion

For the reasons set out above, the landlord's application for an order of possession is hereby dismissed without leave to reapply.

I hereby grant a monetary order in favour of the landlord as against the tenants pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$8,500.00.

This order is final and binding and may be enforced.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 05, 2023

Residential Tenancy Branch